



# Meeting Agenda - Cancelled

*Whitestown Board of Zoning Appeals*

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**Date:** January 31, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

**Members:** L.J. Jernstadt, Andrew McGee, Gregg Semmler, Randy Clements, Matthew Doublestein

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**Due to a lack of agenda items, the WBZA meeting for January has been cancelled.**



# Meeting Agenda - Cancelled

*Whitestown Board of Zoning Appeals*

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**Date:** February 7, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

**Members:** L.J. Jernstadt, Andrew McGee, Gregg Semmler, Randy Clements, Matthew Doublestein

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**Due to a lack of agenda items, the WBZA meeting for February has been cancelled.**



# Meeting Agenda - Cancelled

*Whitestown Board of Zoning Appeals*

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**Date:** March 14, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

**Members:** L.J. Jernstadt, Andrew McGee, Gregg Semmler, Randy Clements, Matthew Doublestein

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**Due to a lack of agenda items, the WBZA meeting for March has been cancelled.**



# Meeting Minutes

Whitestown BZA

**Date:** April 11, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

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## Call to Order:

6:30pm

## Pledge of Allegiance

## Roll Call

- L.J. Jernstadt, Chairman
- Andrew McGee, Vice Chairman
- Greg Semmler
- Randy Clements
- Matthew Doublestein (absent)
  
- Staff:
  - o Deborah Luzier, Town Planner, GRW
  - o Steve Unger, PC/BZA Attorney

## Agenda

*Motion by McGee to approve agenda. Second by Clements. Motion passes unanimously.*

## Minutes

None.

## Other Business

### 1) WBZA Legal Representation.

1. Jernstadt - we had a staff meeting with GRW to discuss the best way to review the applicants and it was suggested that we have a committee made up of two PC members and two BZA members review the applicants and then make a recommendation.
2. Clements – is there a chance that a conflict with the PC and BZA could occur if we had one attorney serve both?
3. Luzier – no.
4. Semmler – I agree with the suggested plan of action.
5. McGee – that method sounds reasonable.
6. Jernstadt – do I have two members who are willing to serve?
7. Clements – I would think that it should be Jernstadt and McGee since you are officers of the BZA.
8. Jernstadt – I accept the nomination.
9. McGee – I accept the nomination.

10. Jernstadt – we may have to have a couple of meetings and we can work around schedules.

*Motion for Jernstadt and McGee to serve on the review committee by Clements. Second by Semmler. Motion passes unanimously.*

2) WBZA Compensation

1. Jernstadt – the Council would like to compensate all board and commission members serving the Town of Whitestown. The PC has voted to not be compensated. We need to decide for the BZA.
2. McGee – I don't need compensation.
3. Clements – I don't need compensation.
4. Semmler – I don't need compensation.

*Motion to not receive compensation by Semmler. Second by Clements. Motion passes unanimously.*

3) Rules and Procedures. The WPC shall discuss and consider the draft Rules and Procedures.

1. Jernstadt – I didn't see any changes needed in the draft we were given.
2. Attorney Unger – Article 7, #6 – I think that if you have an interest in a petition, you shouldn't have to leave the room. You should be able to participate as a private citizen.
3. Jernstadt – the member would recuse himself from the BZA during the petition, but still be able to sit in the audience. I would agree with that.
4. Clements – if a member recuses himself, can he still comment?
5. Unger – that's exactly what I think should be allowed to happen. Suggests rewording of the section.
6. Clements – are these pretty standard rules for operation?
7. Jernstadt – these are similar to what we used to have. Do we need to have a member notify us in advance if they have a conflict?
8. Unger – that would be helpful language to have as well.

*Motion to adopt Rules and Procedures with the change discussed by McGee. Second by Semmler. Motion passes unanimously.*

## Adjournment

6:56pm

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L.J. Jernstadt, President

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Deborah Luzier, Secretary



# Meeting Minutes

Whitestown BZA

**Date:** May 9, 2011  
**Time:** Immediately following the joint PC/BZA meeting  
**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

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## Call to Order:

6:52pm

## Roll Call

- L.J. Jernstadt, Chairman
- Andrew McGee, Vice Chairman
- Greg Semmler
- Randy Clements
- Matthew Doublestein
  
- Staff:
  - Deborah Luzier, Town Planner, GRW
  - John Molitor, PC/BZA Attorney

## Agenda

*Motion by Doublestein to approve the agenda. Second by Semmler. Motion passes unanimously.*

## Minutes

*Motion by Jernstadt to table consideration of the April 11, 2011 minutes to the next regular meeting (June 13, 2011). Second by McGee. Motion passes unanimously.*

## Old Business

- 1) Rules and Procedures. The WBZA shall discuss and consider the draft amendments to the Rules and Procedures.
  1. Jernstadt – Molitor should review these before we adopt them.
  2. Molitor – you can adopt them tonight. I can review them to make sure they coincide with the changes in the state statutes and then propose any changes in the future.
  3. Jernstadt – we should add the reference to Robert’s Rules of Order.
  4. Doublestein – on page 7, Article 9.a we need to add “Reporter” for the Lebanon newspaper.

*Motion by Jernstadt to amend the Rules as discussed and table consideration of the Rules and Procedures to the next meeting. Second by McGee. Motion passes unanimously.*

## Adjournment

7:02pm

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L.J. Jernstadt, President

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Deborah Luzier, Secretary



# Meeting Minutes

Whitestown BZA

**Date:** June 13, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

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## Call to Order:

6:30pm

## Pledge of Allegiance

## Roll Call

- L.J. Jernstadt, Chairman
- Andrew McGee, Vice Chairman
- Greg Semmler
- Randy Clements (absent)
- Matthew Doublestein
  
- Staff:
  - Deborah Luzier, Town Planner, GRW
  - John Molitor, PC/BZA Attorney

## Agenda

*Motion to approve the agenda by McGee. Second by Semmler. Motion passes unanimously.*

## Minutes

1) April 11, 2011

*Motion to approve the April 11, 2011 minutes by McGee. Second by Doublestein. Motion passes unanimously.*

2) May 9, 2011

*Motion to approve the May 9, 2011 minutes by Semmler. Second by McGee. Motion passes unanimously.*

3) May 9, 2011 – joint meeting of the PC and BZA

*Motion to approve the May 9, 2011 joint meeting minutes by Jernstadt. Second by Doublestein. Motion passes unanimously.*

## Old Business

4) WPC/BZA Attorney Contract – review and consider the contract for the new BZA Attorney, John Molitor.

1. Jernstadt – if a conflict arose between Whitestown and another of your clients, would you be precluded from representing either one?
2. Molitor – my approach would be to avoid it. However, if it did happen, I would not represent either one and suggest other representation for you.
3. Jernstadt – under fees and charges, I would like to see a 30-day notice/warning if you were to resign or we were to dismiss you, so that we could retain other legal representation.
4. Molitor – that’s fine with me. We could just write it in.
5. Doublestein – unless it’s for a reasonable cause that we did not want him representing him.
6. Molitor – if you want a different attorney represent you, I will step aside as soon as you let me know I need to do so.
7. Doublestein – I’m fine with “reasonable notice” as written.
8. Jernstadt – I’m fine with the language too.
9. Semmler – is there a concern that a conflict might arise?
10. Molitor – no, but it is important to have it clearly spelled out. I am no longer representing Boone County.
11. Doublestein – what would charges for travel?
12. Molitor – I won’t charge you for travel to/from anywhere in Boone County. I charge for time, but not mileage.

*Motion to approve the WPC/BZA Attorney Contract by Semmler. Second by Jernstadt . Motion passes unanimously.*

- 5) Rules and Procedures. The WBZA shall discuss and consider the draft amendments to the Rules and Procedures.

*Motion to approve the Rules and Procedures by Doublestein. Second by McGee. Motion passes unanimously.*

## **New Business – Public Hearing**

- 6) **Docket BZA11-001-SE –Special Exception – PUD Amendment.** The petitioner is requesting an amendment to the text of the Anson PUD. More specifically the request is to allow six (6) new residential units to replace the existing retail space in the structure that is part of “The Business District”, increasing the cap of residential units for this district from 300 to 306. The subject property contains 1.85 acres and the subject structure is located at 6250 Central Blvd. The petitioner and owner is Anson FCI, LLC. Represented by Jim Crossin.
  1. Staff and Public Official’s Report – Luzier.
  2. Presentation – Jim Crossin describes petition. The demand for residential is greater than retail at this time. We’d like to convert the empty retail space to residential.
  3. Public Discussion – none.
  4. WBZA Discussion
    - a. Jernstadt – the structure was supposed to be both retail and residential. Are we now moving the residential into the lower level as well as the upper level?
    - b. Crossin – yes.
    - c. McGee – they are apartments.

- d. Crossin – each of the two buildings has 40 apartment units. The east building houses the clubhouse and offices in the retail space. This building, the west building, would convert this retail space into all apartments. The six new units would be one-bedroom.
- e. Doublestein – does this have an impact on the property taxes?
- f. Molitor – this could result in less revenue to the town.
- g. Doublestein - if this is converted to residential, it is subject to the 1% cap.
- h. Crossin – 2% is the cap. I believe that the tax revenue will go up because the value of the property will go up. This is an income property and is vacant right now. Occupancy will increase the value.
- i. Doublestein – more taxes would be collected if it is no longer vacant.
- j. Jernstadt – if approved, there would be no retail space available in the western section in Anson, would there?
- k. Crossin – we are building the second phase of the apartments right now (213 units). Our main clubhouse will be in the new apartments section. The old clubhouse space in the east building (3,000 sqft) will then be available for retail use. Retailers want visibility, so property along SR334 is more marketable right now for commercial and retail use.
- l. Doublestein – I am employed by Zionsville community schools. We are seeing a decrease in funding and a loss of revenue. I have no desire to stand in the way of bringing new residents to the community. Not sure if I have a conflict of interest.
- m. Jernstadt - I've been following this PUD for quite some time. Residential replacing retail does not significantly impact this.
- n. Molitor – Doublestein, you do not have a financial conflict of interest in this situation. If someone feels that they cannot be impartial in their decision, then they may have cause for recusing themselves.
- o. Semmler - this facility has been empty for quite awhile (4.5 years). Development of some type is better than none. I believe that a hardship has been proven here.

*Motion to approve the Special Exception by McGee. Second by Semmler. Motion passes unanimously.*

## Other Business

- 7) Discussion of updates to the State Statute with regard to Planning (see handout attached)
- 8) Discussion of 2012 Budget (see hand out attached)

## Adjournment

7:54pm

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L.J. Jernstadt, President

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Deborah Luzier, Secretary



# Meeting Agenda - **Cancelled**

*Whitestown Board of Zoning Appeals*

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**Date:** July 11, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

**Members:** L.J. Jernstadt, Andrew McGee, Gregg Semmler, Randy Clements, Matthew Doublestein

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**Due to a lack of agenda items, the WBZA meeting for July has been cancelled.**



# Meeting Minutes

Whitestown BZA

**Date:** August 8, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

## Call to Order:

6:33pm

## Pledge of Allegiance

## Roll Call

- L.J. Jernstadt, Chairman
- Andrew McGee, Vice Chairman
- Greg Semmler
- Randy Clements (absent)
- Matthew Doublestein
  
- Staff:
  - Deborah Luzier, Town Planner, GRW
  - John Molitor, PC/BZA Attorney

## Agenda

*Motion to approve agenda by Doublestein. Second by McGee. Motion passes unanimously.*

## Minutes

1) June 13, 2011

*Motion to approve the minutes by Semmler. Second by McGee. Motion passes unanimously.*

## Old Business

### New Business – Public Hearing

- 2) **Docket BZA11-002-VA – Sign Variances for Love’s Travel Center.** The petitioner is requesting sign variances for the Love’s Travel Center. More specifically the request is to 1) amend the previous commitments to allow a second free standing sign and 2) increase the permitted area requirements for the sign from 80 sqft to 160 sqft. The subject property contains 11.09 acres and the site is located at 4155 S Indianapolis Rd. The petitioner and owner is Loves Travel Stops and Country Stores.
  - 1) Staff and Public Official’s Report – Luzier.
  - 2) Presentation – Jerry Kittle. The petitioner is concerned that vehicles on SR267 and Indianapolis Road will not know where the entrance to the site is while the roadway reconstruction is underway. The petitioner is not open to the conditions of approval proposed by Staff.
  - 3) Public Discussion – none.

4) WBZA Discussion

- a) Semmler – could this be a multi-tenant sign?
- b) Kittle – we have considered that. We are still developing an overall sign plan for the site.
- c) Jernstadt – a lot of structures are being placed on a small site. While you cannot commit to a multi-tenant sign, it is something that we need to take into consideration when looking to the future of the sites in this development. I understand why they want this sign, but I think there are other ways to approach it. I am not in favor of a sign of this size in this location at this time. It could be a visibility issue as well. This is a large sign.
- d) Doublestein – the size reduction being offered is only for the area – not the height.
- e) Kittle – that is correct.
- f) McGee – how far is the sign set back from the intersection?
- g) Kittle – approximately 15-20 feet. It is on the easement line. The proposed height is 12 feet.
- h) Jernstadt – you would not be able to see over it if you were standing next to it.

*Motion to deny the variance by Semmler. Second by Jernstadt.*

- i) Jernstadt – I believe the proposed sign could be smaller. I believe the size of the gas price LED sign is going to be obtrusive, especially when illuminated.

*Motion passes 3/1, McGee dissenting.*

- j) Craig Triscari – illumination would have been an issue. I'm glad the BZA considered this.
- k) Jernstadt – we are very sensitive to this issue.
- l) Semmler – we are aware of their need to advertise, but we feel it could be done differently.
- m) Triscari – when road construction is complete, a lot of the trees and vegetation will be removed too, which would have blocked any excess lighting. Do we know where the road is being relocated and when?
- n) Kittle – we don't have a firm time table for it yet. Until the lots on the north side of 267 are developed, we can't proceed.
- o) Molitor – this exact request could not come back before you for six months.

## Other Business

### Adjournment

6:57pm

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L.J. Jernstadt, President

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Deborah Luzier, Secretary



# Meeting Agenda - Cancelled

*Whitestown Board of Zoning Appeals*

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**Date:** September 9, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

**Members:** L.J. Jernstadt, Andrew McGee, Gregg Semmler, Randy Clements, Matthew Doublestein

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**Due to a lack of agenda items, the WBZA meeting for September has been cancelled.**



# Meeting Minutes

Whitestown BZA

**Date:** October 10, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

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## Call to Order:

6:37pm

## Pledge of Allegiance

## Roll Call

- L.J. Jernstadt, Chairman (absent)
- Andrew McGee, Vice Chairman
- Greg Semmler
- Randy Clements (absent)
- Matthew Doublestein
  
- Staff:
  - Deborah Luzier, Town Planner, GRW
  - John Molitor, PC/BZA Attorney

## Agenda

*Motion to approve the agenda by Semmler. Second by Doublestein. Motion passes unanimously.*

## Minutes

1) August 8, 2011

*Motion to approve the minutes by Doublestein. Second by Semmler. Motion passes unanimously.*

## Old Business

### New Business – Public Hearing

- 2) **Docket BZA11-003-VA – Sign Variances for Love’s Travel Center.** The petitioner is requesting a sign variance for the Love’s Travel Center to increase the quantity of signs permitted on site from 8 to 19. The subject property contains 11.09 acres and the site is located at 4155 S Indianapolis Rd. The petitioner and owner is Loves Travel Stops and Country Stores.
  1. Presentation – Jerry Kittle, Innovative Engineering and Frank Ille, Love’s Travel Stops and Country Stores.
    - a. Ille – signs #13, #16, and #18 have already been put up.
  2. Staff and Public Official’s Report – Luzier.
    - a. Ille – we would like to add #2 and #10 be added to the permitted signs as well.
  3. Public Discussion – none.

#### 4. WBZA Discussion

- a. Doublestein – can you explain the ordinance requirements?
- b. Luzier – road frontage determines quantity. Wall area determines the area for wall signs and has a 15% cap. Free-standing signs have an 80 sqft cap.
- c. Semmler – if you are entering the site from the west, are there directional signs?
- d. Luzier – those are directional and do not require a permit
- e. Semmler – I agree that signs 5, 7, and 8 are not necessary. Can they put a logo on the directional signs?
- f. Luzier – if it has a logo, then it needs a permit and counts towards the permitted signage.
- g. McGee – I agree with the signs that staff has prioritized. #2 and #10 would be ok with me as well.
- h. Semmler – is sign #13 visible from the interstate?
- i. Ille – no.
- j. Doublestein – on 267, there are residential uses to the north. Is there signage facing them?
- k. Ille – there are directional signs at the SR267 and Indianapolis Road. The BZA denied a sign at the entrances.
- l. Doublestein – are the signs internally illuminated? (reviews sign specifications).
- m. Molitor – all three criteria for the standards have to be met. The hardship has to be unusual and unnecessary.
- n. McGee - #2 and #10 aren't an issue with me. I agree with Staff's recommendation on all the other signs.
- o. Semmler – is sign #7 or #18 more important.
- p. Ille - #7.
- q. Doublestein - #7 is fine with me. #8 should not be illuminated.
- r. McGee – I don't think #8 is needed. The canopies brand the site.
- s. Semmler – why aren't #1 and #2 combined?
- t. Ille – that's the design that McDonald's submitted. I don't think that the two would fit together. Sign #13, #16, and #18 are already up on the canopy.
- u. McGee – just because someone already put up a sign doesn't mean we have to leave them up.
- v. Doublestein – I agree.

*Motion to approve the variance with the following conditions by Doublestein. Second by McGee. Motion passes unanimously.*

*Condition 1: Signs 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15, and 17 be permitted as presented.*

*Condition 2: Signs 13, 16, and 18 that have already been installed shall be removed before opening day.*

#### Other Business

- a. Molitor – the PC is discussing changes to the Zoning Ordinance. The one that affects the BZA is the provision for Use Variances.
- b. Doublestein – Clements hasn't been here for a couple of meetings. I nearly missed this evening as well which would have left us without a quorum.
- c. Semmler – the nature of his job makes it difficult to attend some times.
- d. Doublestein – perhaps we should let the appointing authority know just in case we need someone who is more available.

- e. Molitor – we are allowed to have an alternate member. This would be a situation where this would be handy.

## Adjournment

7:29pm

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Andrew McGee, Vice Chairman

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Deborah Luzier, Secretary



# Meeting Minutes

Whitestown BZA

**Date:** November 14, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

## Call to Order:

6:30pm

## Pledge of Allegiance

## Roll Call

- L.J. Jernstadt, Chairman
- Andrew McGee, Vice Chairman
- Greg Semmler
- Randy Clements
- Matthew Doublestein (absent)
- Staff:
  - Deborah Luzier, Town Planner, GRW
  - John Molitor, PC/BZA Attorney

## Agenda

*Motion to approve the agenda by Clements. Second by Semmler. Motion passes unanimously.*

## Minutes

1) October 10, 2011

*Motion to approve the minutes by McGee. Second by Semmler. Motion passes 3/0, Jernstadt abstaining*

## New Business – Public Meeting

2) 2012 Meeting Schedule

*Motion to approve the 2012 Meeting Schedule by Semmler. Second by McGee. Motion passes unanimously*

## Adjournment

6:37pm

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L. J. Jernstadt, Chairman

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Deborah Luzier, Secretary



# Meeting Agenda - Cancelled

*Whitestown Board of Zoning Appeals*

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**Date:** December 12, 2011

**Time:** 6:30pm

**Location:** Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

**Members:** L.J. Jernstadt, Andrew McGee, Gregg Semmler, Randy Clements, Matthew Doublestein

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**Due to a lack of agenda items, the WBZA meeting for December has been cancelled.**